

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DENNIS R. HOPKINS,

Plaintiff,

v.

DR. JOHN WALSTRUM, et al,

Defendants.

Case No. C07-5161RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon a “Praecipe” filed by plaintiff [Dkt. #6].

Having considered the entirety of the records and file herein, the Court finds and rules as follows:

On April 2, 2007 plaintiff filed an application to proceed *in forma pauperis* with an attached complaint [Dkt. #1]. On April 4, 2007 this Court entered an Order directing plaintiff to re-file signed copies of his motion to proceed *in forma pauperis* on or before April 17, 2007 [Dkt. #3]. On April 20, 2007 this Court entered an Order dismissing plaintiff’s complaint because he failed to abide by the Court’s Order to file a signed application to proceed *in forma pauperis* by the due date of April 17, 2007 [Dkt. #5]. Apparently after receipt of the Court’s Order of April 20, 2007, plaintiff came to the Clerk’s Office that same day and filed a “Praecipe” with the signed application. The Court will consider the “Praecipe” as a motion for reconsideration of the Court’s Order dismissing the matter. The motion for reconsideration is **GRANTED**.

1 Plaintiff shall be afforded *in forma pauperis* status before the Court. The Clerk is directed to file plaintiff's
2 complaint.

3 The complaint alleges that defendants Dr. John Walstrum, Clover Park Technical College's President,
4 the college, Helen Nagle, an instructor, and eleven John Doe students discriminated against him because of
5 his age resulting in his failing an English course at the school. While it is true that age discrimination is
6 prohibited in the workplace, 29 U.S.C. §621 et. seq., classifications based upon age are not constitutionally
7 protected. *See e.g. Taylor v. Rancho Santa Barbara*, 206 F.3d 932 (9th Cir. 2000). Plaintiff does not allege
8 age discrimination on the workplace, but alleges that he received a failing grade in a class at Clover Park
9 Technical College. Therefore, plaintiff's complaint fails to state a claim upon which relief may be granted, and,
10 as such, must be **DISMISSED**. 28 U.S.C. §1915(e)(2)(B)(ii); *Franklin v. Murphy*, 745 F.2d 1221 (9th Cir.
11 1984).

12 **IT IS SO ORDERED.**

13 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
14 pro se.

15 Dated this 16th day of May, 2007.

16
17 
18 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE